

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
AUGUST 6, 2013

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a joint meeting with the Stokes County Planning Board in the Third Floor Conference Room of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday, August 6, 2013 at 7:00 pm with the following members present:

Chairman Ernest Lankford
Vice Chairman James D. Booth
Commissioner Jimmy Walker
Commissioner Ronda Jones

Commissioner J. Leon Inman - absent

Stokes County Planning Board Members:

Chairman Ted Hairston
Member Steven Spencer
Member Ronnie Morris
Member Tommy White
Member Patrick Flinchum
Member Ronnie Tilley

Member Danny Sisk - absent
Member Larry Snyder - absent
Member Lewis Wood - absent

County Personnel in Attendance:
Clerk to the Board Darlene Bullins
County Attorney Tyrone Browder
Planning Director David Sudderth
Permitting Tech Glenda Pruitt

Chairman Ernest Lankford called the meeting to order and welcomed those in attendance.

Chairman Ted Hairston called the meeting to order for the Planning Board.

Vice Chairman Booth delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Lankford invited everyone in attendance to join the Board in the Pledge of Allegiance.

Chairman Lankford noted that Commissioner Inman would be not in attendance tonight due to the birth of his grandchild.

Chairman Lankford noted the purpose of tonight's meeting is to review and discuss the proposed Zoning Text Amendments which had been previously provided to both boards.

Proposed Zoning Text Amendments

Director David Sudderth provided the following information regarding the proposed Zoning Text Amendments that had been provided to each board member for review:

- Have been working on the proposed zoning text amendments for almost a year
- Proposed amendments are a combination of looking at various ordinances around the state
- Used a lot of information from other county jurisdictions – Gaston, Chatham, Iredell Counties
- These counties have already gone to the conditional use zoning
- County Attorney Browder has reviewed and suggested changes that have been incorporated into the version provided to each board member
- County was in a quasi-judicial process, at that time, Board of Commissioners directed the planning director to look at a legislative function for all land decisions; therefore, eliminating conditional and special use zoning
- Board of Adjustment will continue to use the quasi-judicial process which is required
- Conditional use zoning will only impact the Planning Board and the Board of Commissioners
- Started first looking at what the County currently had
- The proposed changes will impact all conditional and special use permits
- Procedures for conditional use and special use are basically the same except when you reach a point of decision; you will have the ability to talk to everyone legally, there is no sworn testimony
- The Board can determine if it is considered expert testimony or not
- Part of the process which is in the general statutes requires a public information meeting, something new
- This public information meeting is required to be held before the planning meeting and commissioners' meeting

- The public information meeting gives the community the right to weigh in, it also gives the applicant/applicants information that they may need to see how the community is going to accept their proposal
- The public information meeting provides information to the applicant, allows the citizens to speak, and provides information to the Planning Board and the Board of Commissioners how the neighbors actually feel about the applicant's request
- Reiterated that Planning Board Members and Board of Commissioners can talk to anyone at any time about the rezoning request
- Planning Department will provide the applicant with the names and addresses of adjoining property owners
- Planning Department will help the applicant with the public information meeting if needed
- Advertisement requirements and notifications will not change
- In talking with other counties, normally Board of Commissioners do not attend the public information meeting
- There is nothing in writing that says you can't, but is recommended to let the process work itself out
- Some feel it would be better to not attend, but it would be left up to each Commissioners' own preference
- With the Planning Board, it might be advantageous for the Planning Board Member go to a public information meeting in his particular township
- The Planning Board member could bring information back to the Planning Board
- Planning Board members normally visit the site if a rezoning case is in their township

Chairman Lankford commented:

- A promise was made last year to the citizens that if text amendments were changed, the Planning Board and the Board of Commissioners would take the time needed to make sure it was right
- Feel the time has been taken to put together the zoning text amendments provided to both Boards
- Expressed appreciation to Director Sudderth and the Planning Board for the time put into preparing the proposed zoning text amendments
- Very pleased with what has been provided to the Boards
- Feel it will be good for the citizens of Stokes County who want to make changes regarding their property
- Feel it will be good for both the Planning Board and the Board of Commissioners

Director Sudderth responded:

- Appreciate the comments
- Will say it was not an easy process
- Would like to give Glenda Pruitt part of the credit; Glenda researched a lot of the information
- Talked to a lot of people and visited several counties

Director Sudderth continued:

- There will always be some unhappy citizens
- This process will give the Boards the ability to make decisions with more information being provided
- Decisions must be based on a plan
- There is definitely a need for a comprehensive land use plan
- It is essential that the Boards base their decisions on some sort of plan
- If you don't base your decision on some sort of plan, you will be subject to having your decision appealed
- County currently has a Land Use Guide which can be used until a comprehensive land use plan can be completed
- Comprehensive land use plan should be updated at least every 5 to 10 years
- County can always adjust a comprehensive land use plan if needed
- The County Attorney must feel comfortable that he can defend the Board of Commissioners' decision in court
- A Statement of Reasonableness must be prepared with each case that details what the decision was based on
- Common sense can play a big part of the decision making process

Chairman Lankford opened the floor for questions from the Boards.

Director Sudderth confirmed with County Attorney Browder that all the changes had been incorporated in the latest version and did not see any other needed changes.

Director Sudderth commented:

- There were a lot of changes made and there could possibly be some that were missed
- If that is the case, it can be amended at another meeting

Vice Chairman Booth commented:

- Expressed his appreciation to Director Sudderth and the Planning Board for all the work that has been put into the proposed changes

Commissioner Jones commented:

- Reviewed the information and saw no issues
- Feel this way will be much more fairer to the community, fairer to the elected officials, more transparent, and a much more open procedure
- Appreciate all the hard work that was done

Director Sudderth commented:

- Expressed appreciation to the citizens who provided input regarding certain issues and attending the planning work sessions

Commissioner Walker questioned if there would be a problem with a citizen amending his original rezoning request to make things work when using the conditional zoning district

(page 2 – Procedures for Conditional Zoning Districts)?

Director Sudderth responded:

- The conditional zoning district will be considered only upon the request of the petitioner for rezoning
- There is general rezoning which is for uses in a district and conditional zoning districts which is for specific uses
- It is not legal for me to direct the petitioner
- The petitioner must specify the actual use(s) intended from the list of permitted uses in the conditional zoning district
- Always talk to the petitioner to make sure they think about all the possibilities
- A petitioner can come back before the Board and request to amend the conditional zoning permit

Commissioner Walker questioned where in the new approach would traffic concerns such as hills, curves, large truck on small rural roads, etc. be addressed?

Director Sudderth responded:

- You have the ability to discuss the development process, you can bring anything that you feel is vital for the development of the property
- The comprehensive land use plan will include transportation and road systems

Chairman Lankford commented:

- During the Public Hearing held for the Bioremediation/Land Farming Rezoning, roads, curves, hills, school buses were mentioned by almost every individual who spoke

Chairman Lankford questioned if the location being within 3-4 miles from a 4-lane highway could be added to the Dedicated Soil Treatment Facility – Land Farming/Bioremediation?

Chairman Lankford commented:

- Feels this would solve some of the concerns regarding transportation that were expressed at the Public Hearing

Director Sudderth responded:

- This was one thing that was moved from RA- Special Use to Conditional Zoning District in (M-2) Heavy Industry
- This will limit to where it could be placed in the county
- Tracts of land was changed from 10 to 50 acres or greater
- All required NCDENR setbacks shall be doubled in distance was also added in the amendments that may not allowed due to pending state legislation, if adopted this year
- Will seek legal opinion from the County Attorney if adopted regarding the request

County Attorney Ty Browder responded:

- Will not be able to supersede state law
- Will have to review legislation if adopted into law

Director Sudderth questioned County Attorney Browder about his legal opinion regarding adding the condition of the major highway mentioned by Chairman Lankford?

County Attorney Ty Browder responded:

- Would need to review state legislation if adopted before giving an legal opinion

Director Sudderth responded:

- Will be glad to check into the request

Chairman Lankford confirmed with Director Sudderth that “Withdraw of Application” 132.7 is a new text amendment.

Director Sudderth responded:

- Once the rezoning request has been advertised, the process continues even if the applicant has withdrawn his request
- The Board would be informed that the applicant had withdrew his application
- It would be at that point the Board’s decision whether to go forward

Director Sudderth briefly discussed the public information meeting and revisions to existing conditional use permits.

Commissioner Walker questioned how the conditional zoning district is working for other counties that have already implemented this procedure, is it doing what we hope it will, is it making it simpler, is it making it more transparent?

Director Sudderth responded:

- This is a relatively new process across the state
- Charlotte-Mecklenburg loves it, it is working for them
- Did not have an opportunity to attend a public information meeting, would like to see the process

There were no other issues discussed.

Chairman Lankford commented:

- Board of Commissioners is already in the process trying to get a comprehensive land use plan; could have an opportunity to receive grant funding for the plan

Director Sudderth commented:

- A citizen noted that one challenge to a land use decision made by the Board of Commissioners could cost more than what a comprehensive land use plan would cost
- House Bill 664 (Cell Tower Deployment Act) will cause cell tower procedures normally done by the county to change
- Our cell tower consultant will remain the same, but will be changing his business name
- There will be a flat fee for the consultant with other legislation changes
- These changes are due by October 1, 2013
- AT&T is looking at placing a tower in the county
- There will be changes for the Board of Adjustment
- These changes will need to be reviewed and approved by Attorney Browder
- Will be making changes regarding animal kennels, guest quarters, and wedding events
- Need to hear general use rezoning for a piece of property that is already rezoned Highway Business – time sensitive

Director Sudderth suggested the following:

- Planning Meeting – August 22, 2013
- Board of Commissioners (Planning) – September 3, 2013

Both Boards discussed the possible dates for the meetings.

Planning Board unanimously agreed for Thursday, August 22, 2013.

Board of Commissioners unanimously agreed for Tuesday, September 3, 2013.

Director Sudderth commented:

- Will advertise the proposed zoning text amendments for the September 26th Planning Meeting and the October 1st Board of Commissioners' meeting

Chairman Lankford expressed appreciation to the Planning Board members for their participation in tonight's meeting.

Adjournment

There being no further business to come before the Board, Chairman Lankford entertained a motion to adjourn the meeting.

Commissioner Jones moved to adjourn the meeting. Vice Chairman Booth seconded and the motion carried (4-0) with Commissioner Inman absent.

Chairman Ted Hairston entertained a motion to adjourn the meeting.

Member White moved to adjourn the meeting. Member Morris seconded and the motion carried (6-0) with Members Sisk, Snyder, and Wood absent.

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman